IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WA.No. 1350 of 2004()

AGAINST JUDGMENT IN O.P.NO.15667/1996 DATED 23.3.2004

APPELLANT: PETITIONER

TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

BY ADV. SRI.U.K.RAMAKRISHNAN

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE SPECIAL TAHSILDAR,
LAND ACQUISITION RAILWAYS, POWER HOUSE ROAD,
CHENTHITTA, THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER MR.M.R.SABU

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A.No.1350 of 2004

Dated, this the 5th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

This writ appeal has been filed challenging the order dated 23rd March, 2004 recorded in O.P.No.15667 of 1996 (M) passed by a learned Single Judge of this Court. It appears from the facts of the case that the Government acquired certain properties for extension of Trivandrum Central Railway Station and as per the case set up by the petitioner out of the entire property some property belonged to it as well. At the stage when the Land Acquisition officer issued notices requiring the appellant to produce title deeds for the purpose of payment of compensation the writ came to be filed challenging the notices Exts.P1 and P3. The learned Single Judge before whom the matter came up for hearing observed that number of adjournments were given, but documents of title to establish their right were not produced. In the absence of establishing title to the properties it was observed that the Court cannot set aside the notices issued by the Land

Acquisition authorities directing the Devaswom Board to produce the title deeds.

2. We do not find any illegality or infirmity in the order passed by the learned Single Judge. The reasons contained in the judgment for dismissing the writ are valid. This Court is of the view that pursuant to the notices, Exts.P1 and P3, it was obligatory on the part of the petitioner to produce the title deeds before the Land Acquisition Officer and if it was the case of the petitioner that the land belonged to it, it had to prove it. Assuming the decision of the Land Acquisition Officer was to go against the petitioner the further remedy of the petitioner was to seek reference under Section 18 or 30 of the Land Acquisition Act, as the case may be, and writ was not a proper remedy for the purpose. No merits. Dismissed.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns